

House Bill 174

By: Representatives Lunsford of the 110th, Knight of the 126th, Wilkinson of the 52nd, and Graves of the 12th

A BILL TO BE ENTITLED

AN ACT

To amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number '911' Service Act of 1977," so as to provide that charges for "911" emergency services shall be billed according to location within political jurisdictions; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number '911' Service Act of 1977," is amended by striking in its entirety subsection (a) of Code Section 46-5-133, relating to the authority of local governments to adopt a resolution to impose monthly '911' charges, and inserting in lieu thereof the following:

"(a) Subject to the provisions of subsection (b) of this Code section, the governing authority of any local government which operates or which contracts for the operation of an emergency '911' system is authorized to adopt a resolution to impose a monthly '911' charge upon each exchange access facility subscribed to by telephone subscribers whose exchange access lines are in the ~~areas served or which would be served by the '911' service~~ geographic area of the jurisdiction of the local government. Subject to the provisions of subsection (b) of this Code section and of subparagraphs (a)(2)(A) and (a)(2)(B) of Code Section 46-5-134, the governing authority of any local government which operates or contracts for the operation of an emergency '911' system which is capable of providing or provides enhanced '911' service to persons or entities with a wireless telecommunications connection, excluding a military base, is authorized to adopt a resolution to impose a monthly wireless enhanced '911' charge upon each wireless telecommunications connection subscribed to by telephone subscribers whose billing address is within the geographic area ~~that is served by the local government or that would be served by the local government for the purpose of such an emergency '911' system~~ of the jurisdiction of the local government.

1 Such resolution, or any amendment to such resolution, shall fix a date on which such
2 resolution and the imposition and collection of the '911' charge or wireless enhanced '911'
3 charge, as provided in the resolution, shall become effective; provided, however, that such
4 effective date shall be at least 120 days following the date of the adoption of such
5 resolution or any amendment to such resolution by the local government. The '911' charge
6 must be uniform, may not vary according to the type of exchange access facility used, and
7 may be billed on a monthly or quarterly basis. The wireless enhanced '911' charge must be
8 uniform, not vary according to the type of wireless telecommunications connection used,
9 and may be billed on a monthly or quarterly basis."

10 SECTION 2.

11 Said part is further amended by striking in their entirety subsections (a) and (b) of Code
12 Section 46-5-134, relating to billing of subscribers, liability of subscriber for service charges,
13 taxes on service, establishment of Emergency Telephone System Fund, records, and use of
14 federal, state, municipal, or private funds, and inserting in lieu thereof the following:

15 "(a)(1) The subscriber of an exchange access facility may be billed for the monthly '911'
16 charge, if any, imposed with respect to that facility by the service supplier. Such '911'
17 charge may not exceed \$1.50 per month per exchange access facility provided to the
18 telephone subscriber. All exchange access facilities billed to federal, state, or local
19 governments shall be exempt from the '911' charge. Each service supplier shall, on behalf
20 of the local government, collect the '911' charge from those telephone subscribers to
21 whom it provides exchange telephone service in the ~~area served by the emergency '911'~~
22 ~~system~~ geographic area of the jurisdiction of the local government. As part of its normal
23 billing process, the service supplier shall collect the '911' charge for each month an
24 exchange access facility is in service, and it shall list the '911' charge as a separate entry
25 on each bill. If a service supplier receives a partial payment for a bill from a telephone
26 subscriber, the service supplier shall apply the payment against the amount the telephone
27 subscriber owes the service supplier first.

28 (2)(A) If the governing authority of a local government operates or contracts for the
29 operation of an emergency '911' system which is capable of providing or provides
30 automatic number identification of a wireless telecommunications connection and the
31 location of the base station or cell site which receives a '911' call from a wireless
32 telecommunications connection, the subscriber of a wireless telecommunications
33 connection whose billing address is within the geographic area ~~that is served by the~~
34 ~~local government or that would be served by the local government for the purpose of~~
35 ~~such an emergency '911' system~~ of the jurisdiction of the local government may be
36 billed for the monthly wireless enhanced '911' charge, if any, imposed with respect to

1 that connection by the wireless service supplier. Such wireless enhanced '911' charge
2 may not exceed the amount of the monthly '911' charge imposed upon subscribers of
3 exchange access facilities pursuant to paragraph (1) of this subsection and, in no event,
4 shall such wireless enhanced '911' charge exceed \$1.00 per month per wireless
5 telecommunications connection provided to the telephone subscriber.

6 (B) On and after October 1, 2001, if the governing authority of a local government
7 operates or contracts for the operation of an emergency '911' system which is capable
8 of providing or provides automatic number identification and automatic location
9 identification of a wireless telecommunications connection, the subscriber of a wireless
10 telecommunications connection whose billing address is within the geographic area ~~that~~
11 ~~is served by the local government or that would be served by the local government for~~
12 ~~the purpose of such an emergency '911' system~~ of the jurisdiction of the local
13 government may be billed for the monthly wireless enhanced '911' charge, if any,
14 imposed with respect to that connection by the wireless service supplier. Such wireless
15 enhanced '911' charge may not exceed the amount of the monthly '911' charge imposed
16 upon subscribers of exchange access facilities pursuant to paragraph (1) of this
17 subsection and shall be imposed on a monthly basis for each wireless
18 telecommunications connection provided to the telephone subscriber.

19 (C) All wireless telecommunications connections billed to federal, state, or local
20 governments shall be exempt from the wireless enhanced '911' charge. Each wireless
21 service supplier shall, on behalf of the local government, collect the wireless enhanced
22 '911' charge from those telephone subscribers whose billing address is within the
23 geographic area ~~that is served by the local government or that would be served by the~~
24 ~~local government for the purpose of such an emergency '911' system~~ of the jurisdiction
25 of the local government. As part of its normal billing process, the wireless service
26 supplier shall collect the wireless enhanced '911' charge for each month a wireless
27 telecommunications connection is in service, and it shall list the wireless enhanced '911'
28 charge as a separate entry on each bill. If a wireless service supplier receives partial
29 payment for a bill from a telephone subscriber, the wireless service supplier shall apply
30 the payment against the amount the telephone subscriber owes the wireless service
31 supplier first.

32 (D) Notwithstanding the foregoing, the application of any '911' service charge with
33 respect to a mobile telecommunications service, as defined in 4 U.S.C. Section 124(7),
34 shall be governed by the provisions of Code Section 48-8-6.

35 (b) Every telephone subscriber in the ~~area served by~~ jurisdiction of the local government
36 providing the emergency '911' system shall be liable for the '911' and the wireless enhanced
37 '911' charges imposed under this Code section until it has been paid to the service supplier.

1 A service supplier shall have no obligation to take any legal action to enforce the collection
2 of the '911' or wireless enhanced '911' charge. The service supplier shall provide the
3 governing authority within 60 days with the name and address of each subscriber who has
4 refused to pay the '911' or wireless enhanced '911' charge after such '911' or wireless
5 enhanced '911' charge has become due. A collection action may be initiated by the local
6 government that imposed the charges, and reasonable costs and attorneys' fees associated
7 with that collection action may be awarded to the local government collecting the '911' or
8 wireless enhanced '911' charge."

9 **SECTION 3.**

10 All laws and parts of laws in conflict with this Act are repealed.